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RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003059

SIPDIS

E.O. 12958: DECL: 11/21/2019

TAGS: [PGOV](#) [KDEM](#) [IZ](#)

SUBJECT: ELECTION LAW UPDATE: KURD-SHIA OUTMANEUVER HASHIMI
(FOR NOW)

REF: A. BAGHDAD 3053

[1](#)B. BAGHDAD 3045

Classified By: Political Counselor Yuri Kim for Reasons 1.4 (b, d)

[1](#)1. (C) SUMMARY: The Iraqi Council of Representatives (COR) failed to reach a consensus at its November 21 session on either reaffirming the election law amendments it adopted on November 8 or on a new amendment to the law. The latest UNAMI proposal gained, then quickly lost, traction this morning, as Kurdish and Shia MPs appeared to be coalescing around a proposed amendment that would distribute seats across governorates to enable the Kurds to retain their relative electoral presence while increasing the pool of compensatory seats to be determined by overseas voters. At the same time, some Shia MPs continue to insist that the COR vote to reject Vice President Hashimi's veto before moving to a vote on the Kurdish-Shia proposal. The Sunnis appear to be realizing that they may have overplayed their hand and have indicated flexibility. It is unclear whether Hashimi will feel the Kurdish-Shia proposal provides enough of a fig leaf for him to withdraw his veto; what is certain, however, is that Hashimi would feel compelled to exercise a second veto again should the COR override his first veto. The Ambassador and Poloffs are engaging Iraqi officials and MPs to in a bid to ease sectarian tensions and achieve a consensus agreement to the electoral law impasse as soon as possible. END SUMMARY.

PREPARING FOR PARLIAMENT

[1](#)2. (C) With VP Hashimi refusing to withdraw his veto even when presented with a technical solution to his objections (ref A), the election law battle moved back to the Iraqi parliament. Poloffs fanned out at the COR on November 21 to engage with MPs from all camps to help guide discussions towards a compromise, including one possibly modeled a new UNAMI proposal (see para 3). Some Arabs MPs, both Sunni and Shia, reacted positively to the proposal, but most were not familiar with it. Several Shia MPs with the Iraqi National Alliance (INA) stated that the UNAMI proposal looked fair in principle, but did not think there was enough time for a consensus to form around it. Da'wa party MPs remained very keen to reaffirm the law as adopted on November 8 to "send a message to Hashimi" by returning the legislation to the Presidency Council. Nassar al-Rubaie, spokesperson for the Sadrist bloc, told UNAMI that his party liked the proposal, but still wanted a vote to "veto the veto" (i.e., approve the November 8 law unaltered) to express their anger towards Hashimi. The Kurdish COR delegation likewise had not been briefed about the UNAMI proposal and was clearly focused on other options.

[1](#)3. (C) UNAMI's latest amendment proposal would raise the number of compensatory seats in the COR from five to 10 percent of the total (i.e., 16 to 32 seats) while keeping the minority set-aside for these seats unchanged at eight. The remaining 24 compensatory seats would be awarded to

out-of-country voting (OCV) results, but only to the extent that the number of expatriate votes cast conforms to the national average of votes per COR seat. For example, if there is an average of 50,000 votes cast per each seat in the COR, then one compensatory seat would be awarded to OCV for each increment of 50,000 expatriate ballots. Any remaining compensatory seats would be distributed as mandated by Article 17 of the 2005 election law. (Note: This proposal tracks closely with the text of an amendment drafted by the Embassy after Hashimi's veto was announced. End Note.) QEmbassy after Hashimi's veto was announced. End Note.)

14. (C) The lack of consensus among MPs led to inaction and an early end to the COR session. Although a healthy quorum was present, Speaker Samarraie, who had met earlier with party bloc leaders, called an end to the session after three hours when it became apparent there was no agreement on how to move forward. In dismissing the COR, Samarraie apologized to the MPs and the Iraqi people and said he hoped an agreement could be reached over the course of the evening to allow for a vote when the parliament reconvened at 11:00 a.m. the following day (i.e., November 22).

AMBASSADOR WEIGHS IN WITH SENIOR IRAQIS

15. (C) To better gauge where the different parties stood and push a solution to the election law impasse, the Ambassador continued to directly engage key Iraqi political leaders. Kurdistan Regional Government (KRG) Prime Minister Barham Salih told the Ambassador that the Kurdish delegation at the COR was very close to a deal with Shia MPs to further amend the election law. In a telephone conversation with the

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Ambassador, Samarraie explained that the budding Shia-Kurdish amendment proposal would keep the number of compensatory seats at five percent of the COR total, but that the eight seats set aside for minority groups -- currently to be drawn from the sixteen compensatory seats -- would instead be taken out of seats allotted to the governorates. Accordingly there would be 16 available compensatory seats, which would first be distributed to OCV along the same lines as the new UNAMI proposal.

16. (C) The Shia-Kurdish amendment proposal, according to Samarraie, would also reject the use of Ministry of Trade population statistics to determine the size of the COR and distribution of seats among governorates. Instead, the amendment would direct that the distribution of seats used to form the COR in 2005 would be retained and then evenly expanded across all governorates (i.e., no change in the ratio of any governorate's seats to the total) to account for national population growth. The Ambassador pointed out that this last provision would violate a Federal Supreme Court ruling that invalidated the 2005 distribution of COR seats (which was based on voter registry numbers, rather than population figures), which Samarraie acknowledged.

17. (C) Recognizing the Pandora's box that further amending the law could open, Vice President Abd al-Mahdi opined to the Ambassador that all concerned should continue to try to persuade Hashimi to withdraw his veto. While it would be very difficult to get the stubborn Hashimi to back down, al-Mahdi noted, the prospect of an even "worse" election law (from a Sunni perspective) or an eventual parliamentary override of the veto, which could greatly inflame the Sunni community, should give Hashimi cause to seriously reconsider his position.

18. (C) COMMENT: Hashimi and other Sunni leaders have had a rude awakening today. While they spent the last two days summarily rejecting proposal after proposal that might have provided an advantage over the current law, the Kurds took advantage of the opening and time to work with the Shia to re-litigate the issue of the distribution of seats.

Meanwhile, all three sides have engaged in rhetoric that has fanned the flames of sectarianism higher than they have been in some time. The Ambassador and Poloffs will continue to engage key officials and MPs throughout the evening and following day not only to push parties to adopt a narrow, workable fix to Hashimi's veto on an urgent basis, but, more importantly, to insist that parties lower the rhetorical temperature now. END COMMENT.

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